

of whether the reduction action was a suspension or a demotion.

10. By letter dated August 16, 1976, the Executive Council, through its solicitor, denied Mrs. Kline's request for a hearing. The solicitor stated that the action taken did not constitute a demotion so that a demotion hearing was not required. He further stated that because the action related to a decline in course enrollment and because no charges had been brought against Mrs. Kline nor had her personal or property rights been affected, Local Agency Law was not applicable.

11. As a full-time employe, Mrs. Kline would be entitled to a gross base salary of \$13,606 for the school year 1976-1977.

12. As a half-time employe, Mrs. Kline receives a gross base salary of \$6,803 which represents exactly fifty per cent (50%) of the full-time base salary.

13. As a half-time employe Mrs. Kline is required to pay fifty per cent (50%) of any charges related to fringe benefits if she is to participate in these benefits. As a full-time employe, the school district paid one hundred per cent (100%) of the charges related to fringe benefits. Mrs. Kline has not participated in the benefits because she is not willing to pay her one-half share.

14. Under the terms of the current Agreement between the Executive Council of Middle Bucks Area Vocational-Technical School and the Middle Bucks Area Vocational-Technical School Education Association, teachers must teach two sessions to be considered full-time employes.

that the cause for the change is determinative of whether a demotion has occurred. We found no merit in the school board contention that because Section 1124 of the School Code specifically enumerates the causes for suspensions, such causes cannot constitute justifications for demotions. This position is not supported by the case law.

In Smith v. Darby, supra, the Supreme Court of Pennsylvania held that any reasonable justification will sustain a demotion so long as the demotion is not arbitrary or discriminatory. The Court specifically stated that Section 1151 is restricted to providing "only how an employe may be demoted." Thus the Court interpreted Section 1151 as granting school boards broad discretion to demote for any reason that would result in a more efficient administration of the school district.

The Commonwealth Court has defined a board's action as a demotion when the reason for the action fell within Section 1124 of the School Code, "Cause for Suspensions." In Lakeland Joint School District v. Gilvary, 3 Pa. Commw. Ct. 415, 283 A.2d 500 (1971), the demotion occurred because of a reorganization of Lakeland Joint School District pursuant to the School Reorganization Act, Act of August 8, 1963, P.L. 564, 24 P.S. §2-290. The establishment of new school districts pursuant to the School Reorganization Act when such reorganization makes it unnecessary to retain the full staff of professional employes is an enumerated cause for suspension. Regardless of this cause for the transfer of a professional employe from principal to classroom teacher, the action was treated as a demotion.

The school board cites no case authority to support its contention

